



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

March 11, 1957.

Honorable H. H. Wellborn
County Attorney
Rusk County
Henderson, Texas.

OPINION NO. WW-55

RE: Can a County Commissioners' Court dispense with the use of voting machines in a special election after the Court has adopted the use of voting machines in the county under the provisions of Article 7.14, Section 3, Vernon's Civil Statutes, Election Code?

Dear Mr. Wellborn:

This opinion is in response to your letter of February 25, 1957 in which you pose a question which is substantially as follows:

May the County Commissioners' Court of Rusk County dispense with the use of voting machines in a forthcoming Special Senatorial Election, and use "paper" ballots instead, where the Court had previously adopted the use of voting machines as provided for by Statute?

Article 7.14, Section 3 of Vernon's Civil Statutes, Election Code, reads in part:

"The Commissioners' Court of any county in the State of Texas may adopt for use in elections and primary elections in at least three (3) of the larger voting precincts in voting strength in said county, any kind of voting machine approved by the Secretary of State and may adopt such voting machine at any time for use in such additional voting precincts in the county as it may deem advisable, and thereupon such voting machine shall be used at any and all elections and primary elections, municipal, county, district, or state held in that county or any part thereof. . . ." (Emphasis ours).

On the basis of the foregoing statute, the Commissioners' Court of Rusk County is not authorized to dispense with the use of voting machines at the forthcoming special Senatorial election and use paper ballots in lieu thereof. However, the Commissioners' Court would have authority to rescind its previous order adopting voting machines and thereafter paper ballots could be used at all special, primary, and general elections held in Rusk County.

SUMMARY

The use of voting machines may not be dispensed with in the forthcoming special Senatorial elections unless the Commissioners' Court has entered an order rescinding its previous order providing for use of voting machines at all elections in the County.

Yours very truly,

WILL WILSON
Attorney General

By

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APPROVED:

OPINION COMMITTEE

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